O.F. 71 & 72.

19 32

Department of Land + Sea

OFFICE Genl Br Genl

STATION Melbourne

Mem No. 3164

Dated 27-10-32

Date	Initial
Given for copying	
Copied	
Examined	A/S/M. Q. A.
Signed	
Given for despatch	
Despatched	
Indexed	
To be destroyed on*	

To whom sent City + Subs.

Pages in the file

(SUBJECT.)

Advances Lands (5 Xmas). Prime minister's visit. Immigration
Printing memo. Exhibition [illegible] Rec. Appeal
Crimes Act

Before the Hon'ble member. Board of Revenue

Dept., of Land Revenue, Agriculture,

Madras.

Kambadkone Sanjeva Rao, minor, son of late K. Appaji Rao. by statutory guardian M. Shankara narayana Rao Vakil, Mangalore.) Petitioner

Re, South Kanara District - Agricultural loan 1/1330 for Rs. 2000/- in 20 instalments of Rs. 182-11-4 each. — Repayment of 12th instalment by April 15th 1932 — Extention of time prayed for.

The father of the minor obtained towards the end of July 1920, a loan of Rs. 2000/- for improving his lands in Puttur Kasba village, South Kanara and brought by him for about Rs. 4000/-. The father died with in 10 months in 1921, having spent out of this loan and private resources above Rs. 2000/- while alive. The widow, the miner's mother paid nearly Rs. 1400/- to the tenant for improvements and the succeeding tenant has neglected to pay the rents and is setting up a claim for improvements amounting to Rs. 1500/- alleging falsely they were spent on the property. However this guardian had to file in July 1929 a suit for possession, as soon as he got money to pay the cost of filing at the earliest possible opportunity after his appointment. Although this guardian has even obtained an order from the District Court in a miscellaneous appeal arising out of the same suit, for an immediate disposal of the suit, o.s. 289/1929, on the file of Puttur District Munsiff Court, even 2 years back the suit has gone on to over 22 adjournments for trial alone. Owing to this protracted litigation and the extreamly low price of rice, the receiver appointed in that suit reports that he has barely 1/3 or instalment amount left, after paying off the assessment on the property. In another property the guardian after over 2½ years waiting, in the law courts could get only a paper decree as the District court admitted him as a pauper in appeal,

although it ultimately dismissed the appeal. This decree for over Rs. 1800/- is worth hardly the paper, while the costs incurred by the minor to get bare possession could pay two instalments of the loan. The minor has no other property fetching income sufficient to pay the instalments than these, as the were told off to pay debts by the previous guardian voluntarily or involuntarily.

In payment of previous instalments, other resources of the minor have been exhausted, and owing to the waste committed by the tenant, the rents realised by the receiver as also owing to low price of rice were ¼ of that of previous years; i.e. about Rs. 100/- only this year. It is therefore submitted that in spite of the minor's properties being looked after by this guardian as an officer of the court and the property itself, on which the loan is raised is under the direct supervision of the courts of law, property on which over Rs. 7500/- were spent has not been able to get even Rs. 100/- gross by rents this year owing to the litigation and low price of rice; where as if this sum were invested in Government securities, they would have yielded this year over Rs. 400/- net.

No concession of any sort was granted to this guardian in payments of previous instalments by the Revenue authorities of this District, even penal interest was levied, in the last two years, since the filing of this suit, O.S. 289/1929 of Puttur, District Munsiff Court.

It is therefore prayed that an extention of time till 1st March next be granted to this guardian to enable him to pay the instalment, and ordinary interest be levied till payment.

Mean while, every effort will be made to pay the sum in part to reduce the liability, this guardian applied to the Collector to grant him time and he has refused. This guardian is trying to induce minor's step divided brother who has runaway from taking over the guardian-ship with a view to liquidate

all the miner's debts or at least finance the miner to discharge the Government loan in full. But as this brother himself attained his majority only a month ago and has not been placed in possession of his property , it will be necessary that some time may elapse before he can premise anything.

In view of the hard extreme circumstances and that too being that of a miner whose property is in the hands of Government, through court of law, it is prayed that an extention be granted as prayed for above, and the Tashildar of Puttur be restrained from selling the property in discharge of loan instalment and immediate orders be sent to stay sale proceedings. It may be urged that the loans instalments in previous year were not paid punctually. It has been so, when courts of justi have been proceeding very slow to assist the miner to pay, and the miner these three years has to spend without getting possession or even a decree nearly the value of three instalments for court fees, trevelling expenses etc.,

Encl. L.Dis 5713/32.

Proceedings of the Collector of South Canara, dated 16th July 1932.

p 5 supra

Mangalore
29/7/1932.

M. Sivaramakrishnayya
Sheristadar for Manager &
Sanjeevarao.

L.Dis. 5713/32.

Proceedings of the Collector of South Kanara, dated 16th July 1932.

Khan Bahadur J. Hussain, Bar-at-law.

Advances - Loans - Puttur taluk and Town - Extension of time for payment of instalment - Application - Orders passed.

1. Application dated Nil, from M.R.Ry. M. Shankernarain Rao Avl., B.A., B.L., Mangalore.

2. Puttur Tahsildar's N.Dis. 5763/32, dated 8-7-32 received with Puttur Rev.Divl.Officer's L.Dis. 4219/32.

O r d e r.

The Collector regrets that the petitioner's request cannot be complied with.

(Sd) J. Hussain,
Collector.

True Copy. (By order)

Huzur Sheristedar.

To

The petitioner.

16.7.32

Copy to the Tahsildar, Puttur, through the Revenue Divis Officer, Puttur.

Proceeding of the Collector of South Hamlin, dated 11th

The following was Received, Read and

Ref. Matter Enforcement - Application - Vehicle Permit - Licence Permit

1. Application dated 11th inst. from Mr. Jas. Hamerton

Hyde, Essex, for Vehicle

2. Notice Enforcement's Memo. 2765/26, dated 5-7-26 re

Hamerton's Application

Order.

The Collector regrets that the application cannot

be complied with.

(Sd) J. Marris,

Collector.

(Date Copy By order)

Junr Executive.

Time Extension to the Director, Matter, through the Electric Vehicle

Trade Protection.

Subject. 1

R. F. XXII-A-19—23,004—15-8-32 (S

FOR MEMBER.

Advances - Loans - (South Kanara
Puttur taluk - Puttur town -
Annual instalment - Payment
System - of time - Appeal

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

Register No. _____ From the Fr. 4410 - B, No. _____, dated _____ 193

" " _____ " " _____, " _____, " _____ 193

" " _____ " " _____, " _____, " _____ 193

RESOLUTION. Refee Fr No. 4410/32-1 dated [illegible] 1932

(1)

M R Ry. Shankaranarayana Rao of Mangalore is informed that his pet dy 29-7-32 has been rece by the Bd. of Rev. but is defective in the foll respects :—

Want of (1) court fee labe of the value of Rupees tw to be affixed to his pet & and enclosure,

(2) duly stamped and authenticated copies of t orders of the Revenue Divl Offi and the Talk Vs if any in th

DESPATCHED
8 AUG 1932

-8-

the matter &

(B) legal certificate of guardianship duly stamped wakalatnama or ~~power~~ power of attorney

The above defects should be supplied before 6-9-32 failing which the petition will be rejected.

The petr is also informed that the question of ~~stay~~ issuing orders will be considered only thereafter

8.32

5-8-32

To M Ry [illegible]

M. Shankara narayana Rao and

Vakil

Mangalore.

South Kanara dt.

Mangalore.

BOARD OF REVENUE
4
MADRAS
6 -SEP 1932
LAND REVENUE & SETTLEMENT

Before the Commissioner of Land Revenue

Land Revenue Department Madras

Ref. Your F. 4410/32-1. dated 6-8-32.

Subject. Advances - Agricultural loan 1/1330 S. Kanara dist. Puttur Taluk. Petition for extention of time.

M. Shankarnarayana Rau. B. A. B. L. Vakil Mangalore) guardian for minors K. Sanjeva and others.) Petitoner.

In compliance with your order dated above, Petitioner begs to enclose the following:-

1. A Court fee lable for Rs 2, twos stamps of Rs one each for petition.

2. The certificate of guardianship in original , which it is praye may be returned immediately as it is wanted for other proceedings. A copy of the same is enclosed for reference.

3. Copies of the proceedings of the subordinates courts in previous proceedings have not been returned to petitioner. They give no reason for rejection of the petitions. As these proceedings are not judicial the records of the subordinate officers may be called for and duplicate copies of these proceedings not insisted upon; as even judicial courts do not insist on the same when once filed in the lower courts.

4. In this connection the petitioner begs to submit that as the matter in issue in the pending suit subject matter of the present property and raised by the defendant tenant thereon together with the Government loan involves more than half the value of the property it is impossible to raise any money on the property before the suit is disposed off. I may state that this suit was filed in June 1929.

5. It is therefore prayed that urgent orders be sent as prayed for staying the sale to enable the petitioner to raise the necessary money. It is submitted that there was no default but for the above suit and that the rents have not been realised owing to the suit

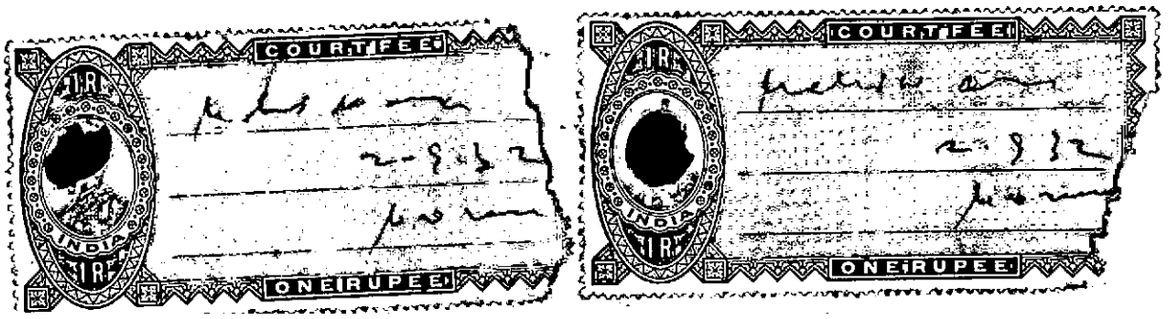
Enclosures. Two court fees stamps of Re one each..

2. Certificate of guardianship in original

3. Copy of do.

M. Shankaranarayana Rau

10



In the Court of the District Judge of South Kanara.

Present:- K. S. Menon, Esq., B. A., Bar-at Law.

Monday, the 16th day of April 1928.

Interlocutory Application No. 80 of 1927.

in

Original Petition No. 106 of 1921.

Between.

K. Krishna Rao. . . . . Petitioner.

and

1. Sushila Bai.
2. A. Ananda Rao.
3. P. Sadashiva Rao alias Hanumantha Rao) Respondents.

Upon the application of the above named petitioner and the 1st Respondent Sushila Bai having been removed from the guardian - ship of property of minors Sanjeva Rao and Leela Bai, and Mukta Bai, and the Judge having approved of Mr. M. Shankarnarayana Rao, Vakil, Mangalore, as a proper person to be appointed guardian of the property of the said minors and the said Mr. M. Shankarnarayana Rao having given security by entering into a personal bond for Rs 1000/- dated the 12th day of April 1928, which has been approved by the Judge and filed in Court, it is ordered as follows:-

1. That the said Mr. M. Shankarnarayana Rao be appointed guardian of the property of the minors aforesaid during their minority and until further orders in place of Sushila Bai (ist Respondent) removed.

2. That the said guardian do on or before the 16th day of April and October in each year bring into Court his half yearly accounts as such guardian; the first of such half yearly accounts to be filed on the 16th day of October 1928 together with a statement of the immoveable property belonging to the said minors, the money and other moveable property which he has received on behalf of the minors up to the said 16th day of October 1928, and the debts due on that date to and from the minors.

3. That the remuneration of the said guardian has been fixed at 5 per cent on all collections made by him.

4. That the said guardian do pay into Court or invest any

available balance that shall be shown by or found by the Court to be due from him on any such half yearly accounts in the name of the minors in one or more of the securities mentioned in Appendix IV of the Civil Rules of Practice 1905.

5. That the said guardian shall not without the leave of the court sell, lease for any period exceeding five years or encumber any of the moveable or immoveable property of the mino or spend any amounts except such as are absolutely necessary for the due management of the estate.

6. That the said guardian shall not act in contravention for the provisions of Act VIII of 1890, so far as they concern his duties and responsibilities as such guardian.

Given under my hand and the seal of the Court this 16th day of April 1928.

True copy. (Signed) K.S.Menon

District Judge.

M. Shanmugavanmayana Rau

Subject.

R. F. XXII-A-19--30,000 2-2-31 (6)

FOR MEMBER.

Advances - loans - (South Kanara Puttur taluk and town - Annual instalment - Payment - Postponement of time - Appeal petn from Mr. Sankara Narayana Rao

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :— pp 1-3 Cf.

Register No. _____ From the H. Secy. to Govt. - Q., No. _____ , dated _____ 193

" " _____ , " H 78 Cf: Repd 6-8-32 - B. pp 9 Cf H 5185 - Q. _____ 193

" " _____ , " _____ " _____ " _____ 193

~~RESOLUTION~~. Repd F. No. 4410/32-2, dated 15-9- 1932.

Forwarded to the Coll. of South Kanara for submission of the records with any remarks which he considers necessary regarding allegations in the petn which are not clearly dealt with in the records.

2/. The Coll. is requested to issue ~~stay~~ orders to stay the sale of the petitioners property in execution of Coercive process, has been started ~~to be pending disposal~~ ~~of~~ this appeal ~~for disposal~~

To the Coll. of South Kanara with petn and enclosures in original to be returned - (pp 1-6 dy 9-12 Cf.)

15.9.32 ICG 14.9.32

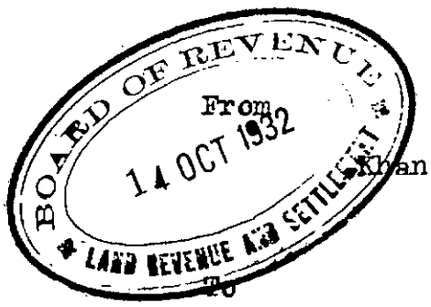
Mem 14/9/32

17

R.P. 108 / 1615 Records

Ref.B.3-8571-32. South Kanara Collector s Office,

Mangalore, dated 11th October '32.



Khan Bahadur J. Hussain, Bar-at-law,

Collector of South Kanara.

73

To

The Secretary to the Board,

Land Revenue and Settlement,

M a d r a s.

Sir,

Advances - Loans - Puttur Taluk and Town - Annual instalment - Payment - Extension of time- appeal from Mr. Shankara Narayana Rao.

pp. 15 and

Board's Reference F.4410-32-2 dated 15-9-1932.

---

pp 1-6 and

I resubmit the appeal petition with its enclosure and this office L.Dis. 5713-32. As desired in para 2 of the Board's reference, the sale of the property has been stayed.

pp 1-5 of (4)

2. The loan of Rs. 2000/- was granted in Fasli 1330 to one K. Appaji Rao, under which the annual instalment of Rs. 182-11-4 falls due on the 10th April of each year. The borrower is dead. The appellant Mr. M. Shankar Naraina Rao is the guardian of the borrower, appointed by the Court.

3. The annual instalment due on 10-4-32 was not paid. The Tahsildar wrote to the guardian for its payment but was told to apply to the 'Receiver' of the property. The latter replied that he had reported the matter to the Court and that he would send a further communication on receipt of orders. As neither the guardian nor the receiver appeared to me to be making any real effort to pay the amount, I rejected the petition which itself was presented to me on 21-6-32 that is two months after the due date and ordered summary recovery of the entire balance due in my ------

2 [16] -- not rec'd

Proceedings L.Dis. 7713-32-B3 dated 27-8-32. I may here add that even in some of the previous years, the instalments were not paid in time. Penalty was levied in 1929 as the instalment for that year was finally paid only in November.

4. The appellant, on 24-9-1932, filed a petition (copy enclosed) before me requesting the assignment of Government's right over the property in favour of a third person who will pay the entire sum now due. There ---- appears to be no provision in the Takkavi Manual under which the request might be complied with. But if the Board should be pleased to grant it, it would really be a good thing, for Government's dues could then be realized immediately.

p.19 infra

Enclosed 11/10/32

For Collector.

KBR 11-10-32

To the Collector of South Kanara.

From M. Shankarnarayana Rao, Vakil. Mangalore,
statutory guardian to minors K. Sanjeva & others.

Re-agricultural loan 1/1330.

Sir,

With reference to the above loan and demand notice prior to attachment of land under Section 25, I beg to inform you that Mr. K. Ramesh Rao, the divided step brothe of the aforesaid minors was approached by me as mentioned in my letter some weeks ago; and he has consented to advance the sum to pay up the remaining instalments in a lump, if you would kindly give him a transfer of your ---- rights under the bond. His advisers have deemed it ----- necessary to obtain the transfer for getting priority and securing a first charge which you have for his benefit and security. On mentioning the amount he will have to pay, I will move the District Court, South Kanara for permissio to slightly change the amount of instalments as the presen amount is too heavy to be paid out of the rents. As the minor has practically very little property left, I request you in consideration of paying the entire balance sum to forego the penal interest levied by you. I regret for this delay in obtaining the necessary consent as the afore said Mr. Ramesh Rao, was himself a minor and he got ------ authority to draw his moneys only about a week ago. Meanwhile you will kindly direct immediately the Tahsildar, Puttur Taluk to refrain from taking further steps in the sale. A draft will be submitted to you on your reply for the transfer of the bond.

Mangalore,
Dated 24th Septr.1932.

I remain &c.,
Sd/- M. Shankarnarayana Rao

True Copy.

11/10/32

For Collector.

KSR

R. F. XXII-A-19- 30,004-2-2-31 (6)

Subject

FOR MEMBER.

Advances- Loans - (S. Kanara) - Puttur taluk and town - Annual instalment - Payment - Extension of time - Mr. N. Sankara narayana Rao - Appeal - Order passed.

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :--

Register No. p. 17 of From the F. 6/50/32 Q. to Coll'r, No. _____ , dated _____ 193

" " _____ , " " _____ , _____ , " _____ 193

" " _____ , " " _____ " " _____ , " _____ 193 .

RESOLUTION. (Misc.) No. 3164 dated 27 . 6 . 1932

The Board is unable to grant the petitioners request referred to in para 4 of the Collr's letter read above. It is, however, open to the petr or the minors to effect a formal alienation of the Security lands in favour of the latter's divided step brother subject to the payment to Government of the loan arrears due in respect of the lands. In that case a revised loan order may be issued to the alienee under note (3)(iii) to Rule XXIV of the Revised Loans Rules unless he pays the entire balance of the loan.

2/ If the petr does not adopt this course and if the instalments of the loan due are not paid the Security lands should be attached

p. 18 of

p. 73 of the Tak. Nl

adopt this

and held under Government management for the realization of the Coan arrears. Vide BP. No. 2420 of 13-8-32

3/ The petitioner is referred to the Collr. of S. Kanara for orders on his appeal petition to the Board.

Dy. 29-7-32

Reply 15.10.32.
ICJ
26.9.32.

27/10

(T)

DESPATCH
31 OCT 1932

To

The Collr of S. Kanara (4)

Forwarded to the Collector with his letter R. Dis 5713 (Docket Sheet)

petn (para 3 only) with a Certificate vide Pp. 13446 Cf.

Mr. M Sankara Narayana Rao
Vakil,
Mangalore,
S. Kanara

Note file

A.S (Cett)

Advances - Loans - (S. Kanagaraja Puttur taluk Hawan - Instalment - Payment - Extension of time Appeal.

7 4410. 1/2

To asst Secy.

Please see appeal petn at pgs 1-3 e/f. & the Collr's order appealed against at p 5 e/f.

2/. The Petr wants that extension of time may be given till 1st March next to pay the loan instalment due in June & requests that immediate orders may be issued to stay sale proceedings. The date of sale has not been reported Apparently Coercive processes have not taken as the Collr's order was passed only on 16th July 32 & the Petr only wants to safeguard against

[illegible]

processes. Point the pet^{n} as defective for want of

(1) court fee labels to be affixed to the pet^{n} & enclosure

(2) the order of the subordinate officers of any in the matter

(3) legal certificate of guardianship or power of attorney.

As the pet^{n} cannot be entertained before ~~on account of~~ the above defects are removed it seems that stay order cannot be issued now. Further if order are now issued the pet^{r} will have time for a month more to pay the instalments & there is also no guarantee that he will supply the defects within that period. He may therefore be asked to rectify the ~~defects first~~. For orders whether a reject ~~be~~ a ~~post card~~ may be sent to the pet^{r} asking him to supply the defects urgently and telling him that the question of "stay order" will be considered only thereafter.

3-8-32

Vide Rule 21 of XIV to B.S. 172 para 10 at p. 1068 of B.S.O. Vol. IV

Yes. But is it not the case that a minor properly cannot be but can be kept in management until he dies are realized.

3-8-32

AS(Sett)

To AS(Sett.)

Repo Asst Secy's query on page 2 ante

The procedure laid down in Bo.SO 41-21 apply only to the sale of lands belonging to a minor. These lands can be attached & managed by the Court during the minority. The other properties of a minor, i.e. moveable & harvested crops can be attached & sold for arrears. The petr. has not yet been threatened to be arrested & perhaps he does not even know the procedure of the attachment of his lands & their management by Court. Apparently as presumed in page 1 ante Co-ercive processes have not yet been taken. Suggestion for consideration is put up.

Yr. Ack. here to forward. Copy of letter dtd 8/82 to Yr. dtd 8/82

ride p.1 nf. m/ Bo 2420 ms 13.8.30 (T) (removed)

(1) (2) (3) (4)

Re Cell)

Draft dated

W.P. 25/4/58 Kl of 8

T. & 32

Issued as Rep. No. 44.10-32-8.6-8-32 Dt. 11.7.60 S/Asst Secy)

No. 5188. p 9 of. Unnecessary Asst

To asst Secy

The pet^r has supplied all the defects except those mentioned in item 2 of the Board's rep^t viz duly want of p 7 of

stamped (authenticated) Copies of the orders of the Sub ordinate officers. He states that they have not para 3 page 9 of.

been returned to him and that requests

their Lr^s need not be insisted upon. If his request is to be granted orders are requested whether a report may be called for from the Coll^r & stay order issued.

If so/ The rules are clear on the point vide Rule II of Pt

9.32/58 Board's Petition rules dated 1967. Bk's Vol IV

Order

Copies of the Subordinate Officers should be filed with the petition

p 59.

p 10 91

Rule X1 at pp 1068–1069 of BSO Vol IV

The petn has produced the original order of the Collr. He has also filed C.F. stamps to the value of Rs 2/. His petn requires to be stamped with stamp for Rs 1/ & the Collr's order with 8 as stamp. The stamps for Rs [illegible] furnished by him are therefore sufficient. We need not insist on the copy of the order issued by the DO or Taluk.

Yes – we've got our dues on trustworthy order
A. Nef
13.9.32.

R.C. No. Mis 1732
9.6.32
at (S)

The DO has taken the view that minors properties cannot be sold in revenue [illegible]

~~However the sale of the lands of the minor in [illegible]~~ [illegible] Not [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] to [illegible] have been [illegible] [illegible] [illegible].

The Collr. may be asked to stay ~~the sale~~ for pending the orders. The petn may also be returned to him for [illegible] with [illegible]

Yes.
A. Nef 13.9.32

[illegible]
12 5 [illegible]

S C Sett
~~Draft sub?~~
15.9
14.9.32 [illegible] 14.9.32

[Issued as Refce F.No. 4410 dt. 15.9.1982 vide p. 15 C/f]
32-2

A.S (Sett)

Please see the Coll's letter at pp. 17 & 18 C/f.

2/ There appears to be no possibility of the arrears being recovered from the minors or their guardian. The appellant suggests that Govt's right over the property may be transferred in favour of a divided Step brother of the minors who will pay the entire Sum in a lump. He incidentally mentions that the proposed transfer requires that the entire rights of Govt including the preferential rights conferred on them under the Act should be transferred to him in Consideration of his agreeing to pay the arrears in a lump. This is an absurd proposition on the face of it. Even as regards any kind of transfer it is surely not the business of Govt to take the initiative. It is open to the minors and their guardian to effect a formal alienation of the Security lands in favour of the minors' divided Step brother subject to the payment to Govt of the entire arrears once effected of the Sale

p. 19 C/f

US
S
AS(Sett)

Vide for precedent p. 1 nf. in B.P. No.
No. 2125 of 6. 7. 1931 If they
do not do it the only Course seems to
be for Govt. to take over the lands
and hold them under their management
for the realization of the arrears. Vide
para. 2 of BP. No. 1732 Rev of 7.6.32
The Collr may be informed accordingly
and the petitioner referred to the Collr
for orders on his appeal to the Board.

For Orders.

A.Sec/24.10.32

In 2.

A.P.(Sett).

Draft submd below.